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BK 25193 PG 219

TOWN OF GRAFTON

GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD
GRAFTON, MASSACHUSETTS 01519
(508) 839-4722

36/jer

TOWN CLERK

CERTIFICATE OF NO APPEAL

APPROVAL: PLANNING BOARD
MCSP 2001-7.

PETITIONER: Dimitria Delights, Inc.
73 Creeper Hill Road, Grafton, MA

OWNER: John & Mary Colorio

DEED REFERENCE: 73 Creeper Hill Road, Grafton, MA
Grafton Assessor's Map 18, Lot 33
Worcester District Registry of Deeds Book 22268,
Page 20

01 NOV - 6 AM 11:39

This is to certify that a copy of the Decision of the Planning Board of the Town of Grafton for a Special Permit to construct a 21,980 sq. ft. addition to the existing bakery facility located at the above mentioned site was received and filed in the Office of the Town Clerk on August 31, 2001 at 1:53 p.m.

No Notice of Appeal of the Decision was filed within the twenty days next, the appeal period ending on September 20, 2001.

A true copy, Attest:

(Seal)

Maura A. Clark
Town Clerk - Grafton, Massachusetts

HOLD FOR GLICKMAN, SUGARMAN, KNEELAND & GRIBOUSKI

jer

A true copy,
Attest:

BK25193PG220

Maureen A. Clark
Maureen A. Clark, Town Clerk
Town of Grafton, MA

RECEIVED-TOWN CLERK
GRAFTON, MA.

DECISION
GRAFTON PLANNING BOARD Aug 31 | 1 53 PM '01
MCSP 2001-7
Dimitria Delights, Inc.
73 Creeper Hill Road, Grafton, MA

Decision of the Planning Board of the Town of Grafton, Massachusetts (hereinafter the BOARD) on the petition of Dimitria Delights, Inc. (hereinafter the APPLICANT) for a Major Complex Special Permit/Site Plan Approval to construct a 21,980 sq. ft. addition to existing bakery facility at 73 Creeper Hill Road, Grafton, MA and shown on the Grafton Assessor's Map 18 Lot 33, and owned by John & Mary Colorio, by deed recorded in the Worcester District Registry of Deeds Book 22268, Page 20. The application was formally received on June 26, 2001.

After causing notice of the time and place of its public hearing and of the subject matter thereof to be published, posted and mailed to the Applicant, abutters and other parties in interest as required by law, Robert Hassinger, Chairman of the Board, called the public hearing to order at 8:32 p.m. on July 9, 2001 in the Selectmen's Office at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. The following Board members were present throughout the hearing: Chairman Robert Hassinger, Vice Chairman Robert Mitchell, Clerk Keith Regan, Ricky Lukasevicz, and Martin Temple. Present for the Applicant were Architect Steve Fleshman of Dixon Salo Architects, Andrew Liston of Thomas Liston Associates, Peter Shippole of SCI Corp., and owners John and Mary Colorio. The public hearing was continued to August 13, 2001. Following public input the hearing was closed. The record of the proceedings and submissions upon which this decision is based may be referred to in the Office of the Town Clerk or the Office of the Planning Board.

RECORD ITEMS:

Submitted for the Board's deliberation were the following:

- EXHIBIT 1: Application for Special Permit
- EXHIBIT 2: Site Development Plans dated 4-9-2001 (8 sheets)
- EXHIBIT 3: "Half Size" Site Development Plans dated 4-9-2001 (8 sheets)
- EXHIBIT 4: "Half Size" Architectural Plans dated 9-14-2000 (2 sheets)
- EXHIBIT 5: Abutters list and map
- EXHIBIT 6: Legal Notice
- EXHIBIT 7: Fax to Grafton News - Legal Notice
- EXHIBIT 8: Town Planner letter dated 6-26-2001
- EXHIBIT 9: 6-15-2001 Department Memo
- EXHIBIT 10: Return Memo - Treasurer
- EXHIBIT 11: Return Memo - Fire
- EXHIBIT 12: Return Memo - Police
- EXHIBIT 13: Return Memo - Town Administrator
- EXHIBIT 14: Return Memo - Conservation
- EXHIBIT 15: Return Memo - Health
- EXHIBIT 16: Return Memo - WPCF
- EXHIBIT 17: Graves Engineering, Inc. Report dated 7-3-2001
- EXHIBIT 18: Planning Board "Sign-up" Sheet - 7-9-2001 Public Hearing

- EXHIBIT 19: Applicant's written request to continue public hearing to 8-13-2001
 EXHIBIT 20: Legal Notice
 EXHIBIT 21: Fax to Grafton News - Legal Notice
 EXHIBIT 22: Graves Engineering, Inc. Report dated 8-9-2001
 EXHIBIT 23: Lighting Specification Cut Sheets
 EXHIBIT 24: "Half Size" Landscaping & Electrical Plans dated 8-6-2001 (2 sheets)
 EXHIBIT 25: 8-8-2001 Letter - Thompson - Liston Associates, Inc.
 EXHIBIT 26: 8-9-2001 Letter - Thompson - Liston Associates, Inc.
 EXHIBIT 27: Site Development Plans dated 4-9-2001 Revised 7-23-2001(9 sheets)
 EXHIBIT 28: "Half Size" Site Development Plans dated 4-9-2001 Revised 7-23-2001(9 sheets)
 EXHIBIT 29: Drainage Report - Thompson - Liston Associates, Inc. dated 8-2-2001
 EXHIBIT 30: Maintenance Programs/Drainage (fax copies) received 8-13-2001
 EXHIBIT 31: Planning Board "Sign-up" Sheet - 8-13-2001 Public Hearing

FINDINGS OF FACT:

At the August 27, 2001 meeting, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Board made the following findings of fact as required under Zoning By-law (hereinafter "ZBL") §1.5 and M.G.L. c.40A, §9.

F1) The Property is located in an "OLI" Zoning District.

Voted:		Yes	No	Abstain	Absent
2	Temple	X			
	Mitchell	X			
1	Hassinger	X			
	Regan	X			
	Lukasevicz	X			

Motion Carried/~~Did Not Carry~~

F2) The Property consists of approximately 8.4 acres of land.

Voted:		Yes	No	Abstain	Absent
2	Temple	X			
	Mitchell	X			
1	Hassinger	X			
	Regan	X			
	Lukasevicz	X			

Motion Carried/~~Did Not Carry~~

F3) The Applicant seeks Special Permit/Site Plan approval to construct a 21,980 sq.ft. addition to existing bakery facility.

Voted:		Yes	No	Abstain	Absent
2	Temple	X			
	Mitchell	X			
1	Hassinger	X			
	Regan	X			
	Lukasevicz	X			

Motion Carried/~~Did Not Carry~~

A true copy,
Attest:

Maureen A. Clark
Maureen A. Clark, Town Clerk
Town of Grafton, MA

- F4) Under ZBL §1.5.1, the Planning Board has the authority to grant special permits for such facilities in accordance with the Use Regulation Schedule of ZBL §3.2.3.1.

Voted: **Yes No Abstain Absent**

	Temple	X			
2	Mitchell	X			
	Hassinger	X			
1	Regan	X			
	Lukasevicz	X			

Motion Carried/~~Did Not Carry~~

- F5) ZBL §1.5.5 sets forth the required conditions for the granting of any special permit.

Voted: **Yes No Abstain Absent**

	Temple	X			
2	Mitchell	X			
	Hassinger	X			
1	Regan	X			
	Lukasevicz	X			

Motion Carried/~~Did Not Carry~~

- F6) ZBL §1.5.5 provides that a special permit may be granted only for uses that are in harmony with the general purpose and intent of the ZBL.

Voted: **Yes No Abstain Absent**

	Temple	X			
2	Mitchell	X			
	Hassinger	X			
1	Regan	X			
	Lukasevicz	X			

Motion Carried/~~Did Not Carry~~

- F7) ZBL §4.3 provides for Major Complexes by special permit.

Voted: **Yes No Abstain Absent**

	Temple	X			
2	Mitchell	X			
	Hassinger	X			
1	Regan	X			
	Lukasevicz	X			

Motion Carried/~~Did Not Carry~~

A true copy,

Attest:

Maureen A. Clark
Maureen A. Clark, Town Clerk
Town of Grafton, MA

F8) ZBL §1.3.3.2 provides that the site plan review procedure shall be incorporated into the special permit process.

Voted:

	Yes	No	Abstain	Absent
Temple	X			
2 Mitchell	X			
Hassinger	X			
1 Regan	X			
Lukasevicz	X			

Motion Carried/~~Did Not Carry~~

F9) The Board, after making the above findings of fact, then considered the general required conditions for the grant of a special permit set forth under ZBL §1.5.5 and made the following votes:

F9-1) The special permit application is ~~is not~~ in harmony with the general purpose and intent of the ZBL.

Voted:

	Yes	No	Abstain	Absent
Temple	X			
2 Mitchell	X			
Hassinger	X			
1 Regan	X			
Lukasevicz	X			

Motion Carried/~~Did Not Carry~~

F9-2) The special permit application if granted ~~would~~ would not create a nuisance, hazard or congestion.

Voted:

	Yes	No	Abstain	Absent
Temple	X			
2 Mitchell	X			
Hassinger	X			
1 Regan	X			
Lukasevicz	X			

Motion Carried/~~Did Not Carry~~

F9-3) The special permit application if granted ~~would~~ would not cause substantial harm to the neighborhood.

Voted:

	Yes	No	Abstain	Absent
Temple	X			
2 Mitchell	X			
Hassinger	X			
1 Regan	X			
Lukasevicz	X			

Motion Carried/~~Did Not Carry~~

A true copy,
Attest:

Maureen A. Clark
Maureen A. Clark, Town Clerk
Town of Grafton, MA

F9-4) The special permit application ~~would~~/would not, if granted derogate from the general purpose and intent of the By-law or the stated district objectives or applicable use criteria.

Voted:		Yes	No	Abstain	Absent
2	Temple	X			
	Mitchell	X			
	Hassinger	X			
1	Regan	X			
	Lukasevich	X			

Motion Carried/~~Did Not Carry~~

F10) The Board then considered the specific findings of fact that it must make when granting a special permit as required under ZBL §1.5.5.a through j and made the following votes:

F10-a) Ingress and egress. The proposed special permit application satisfies/~~does not satisfy~~ these requirements.

Voted:		Yes	No	Abstain	Absent
2	Temple	X			
	Mitchell	X			
	Hassinger	X			
1	Regan	X			
	Lukasevich	X			

Motion Carried/~~Did Not Carry~~

F10-b) Off-street parking and loading. The proposed special permit application satisfies/~~does not satisfy~~ these requirements.

Voted:		Yes	No	Abstain	Absent
2	Temple	X			
	Mitchell	X			
	Hassinger	X			
1	Regan	X			
	Lukasevich	X			


Motion Carried/~~Did Not Carry~~

F10-c) Refuse collection or disposal. The proposed special permit application satisfies/~~does not satisfy~~ these requirements.

Voted:		Yes	No	Abstain	Absent
2	Temple	X			
	Mitchell	X			
	Hassinger	X			
1	Regan	X			
	Lukasevich	X			

Motion Carried/~~Did Not Carry~~

A true copy,
Attest:


Maureen A. Clark, Town Clerk
Town of Grafton, MA

F10-d) Screening and buffering. The proposed special permit application satisfies/~~does not satisfy~~ these requirements.

Voted:		Yes	No	Abstain	Absent
	Temple	X			
2	Mitchell	X			
	Hassinger	X			
1	Regan	X			
	Lukasevich	X			

Motion Carried/~~Did Not Carry~~

F10-e) Signs. The proposed special permit application satisfies/~~does not satisfy~~ these requirements.

Voted:		Yes	No	Abstain	Absent
	Temple	X			
2	Mitchell	X			
	Hassinger	X			
1	Regan	X			
	Lukasevich	X			

Motion Carried/~~Did Not Carry~~

F10-f) Required yards. The proposed special permit application satisfies/~~does not satisfy~~ these requirements.

Voted:		Yes	No	Abstain	Absent
	Temple	X			
2	Mitchell	X			
	Hassinger	X			
1	Regan	X			
	Lukasevich	X			

Motion Carried/~~Did Not Carry~~

F10-g) General compatibility. The proposed special permit application satisfies/~~does not satisfy~~ these requirements.

Voted:		Yes	No	Abstain	Absent
	Temple	X			
2	Mitchell	X			
	Hassinger	X			
1	Regan	X			
	Lukasevich	X			

Motion Carried/~~Did Not Carry~~

A true copy,
Attest:

Maureen A. Clark
Maureen A. Clark, Town Clerk
Town of Grafton, MA

F10-h) Water supply. The proposed special permit application satisfies/~~does not satisfy~~ these requirements.

Voted:		Yes	No	Abstain	Absent
2	Temple	X			
	Mitchell	X			
	Hassinger	X			
1	Regan	X			
	Lukasevicz	X			

Motion Carried/~~Did Not Carry~~

F10-i) Water Supply Protection Overlay District. The project is not located within the WSPOD.

Voted:		Yes	No	Abstain	Absent
2	Temple	X			
	Mitchell	X			
	Hassinger	X			
1	Regan	X			
	Lukasevicz	X			

Motion Carried/~~Did Not Carry~~

F10-j) Protect important historic, cultural and scenic landscapes. These requirements are not applicable.

Voted:		Yes	No	Abstain	Absent
2	Temple	X			
	Mitchell	X			
	Hassinger	X			
1	Regan	X			
	Lukasevicz	X			

Motion Carried/~~Did Not Carry~~

F11) ZBL §4.3.4 provides additional criteria for granting Major Complex Special Permits. The application satisfies/~~does not satisfy~~ these requirements.

Voted:		Yes	No	Abstain	Absent
2	Temple	X			
	Mitchell	X			
	Hassinger	X			
1	Regan	X			
	Lukasevicz	X			

Motion Carried/~~Did Not Carry~~

A true copy,
Attest:

Maureen A. Clark
Maureen A. Clark, Town Clerk
Town of Grafton, MA

A true copy,
Attest:

Maureen A. Clark
Maureen A. Clark, Town Clerk
Town of Grafton, MA

BK25193PG227

DRAFT DECISION - GRAFTON PLANNING BOARD
MCSP 2001-7 Dimitria Delights, Inc. Grafton, MA
Page 8 of 9

A MOTION was made to ~~GRANT/DENY~~ the special permit/site plan subject to the following conditions:

1. That all lighting be installed and sufficiently shielded so-as to prevent glare onto adjacent properties and public ways.
2. That copies of all applicable permits be provided to the Planning Board office and be kept current.
3. Any Order of Conditions and/or permits issued by the Grafton Conservation Commission with respect to this application are hereby incorporated by reference and constitute a condition to this Special Permit decision.
4. This Special Permit decision shall be recorded at the Worcester County Registry of Deeds within 10 days following the expiration of the appeal period.
5. A copy of such recorded Special Permit decision, including Deed Book and Page Number shall be submitted to the Planning Board office within 30 days.
6. By recording this Special Permit decision in the Worcester Registry of Deeds, the applicant agrees to and accepts the conditions set forth in this Special Permit decision.

Voted:

	Yes	No	Abstain	Absent
2	Temple	X		
	Mitchell	X		
	Hassinger	X		
1	Regan	X		
	Lukasevicz	X		

Motion Carried/~~Did Not Carry~~

WITNESS our hands this _____ day of _____, 2001.

Robert Hassinger
Robert Hassinger, Chairman

Robert Mitchell
Robert Mitchell, Vice Chair

Keith A. Regan
Keith Regan, Clerk

Martin Temple
Martin Temple, Member

Ricky Lukasevicz
Ricky Lukasevicz, Member

A true copy,
Attest:

BK25193PG228

Maureen A. Clark
Maureen A. Clark, Town Clerk
Town of Grafton, MA

DRAFT DECISION - GRAFTON PLANNING BOARD
MCSP 2001-7 Dimitria Delights, Inc. Grafton, MA
Page 9 of 9

Keith A. Regan
Keith Regan, Clerk

COMMONWEALTH OF MASSACHUSETTS
Worcester ss

August 31, 2001

On this 31 day of August, 2001 personally appeared Keith Regan, a member of the Grafton Planning Board, and acknowledged the foregoing to be his free act and deed on behalf of said Board.

Elizabeth R. Shurden
Notary Public

My commission expires 6/28/07

cc: Applicant
Board of Selectmen
Board of Health
Conservation Commission
Board of Appeals

Town Engineer
Building Inspector
Highway Supervisor
Water District
Board of Sewer Commissioners

To Whom It May Concern: This is to certify that the 20 day appeal period has passed and there have been no appeals made to this office.

Maureen A. Clark
Maureen Clark, Town Clerk

Date Sept. 21, 2001

ATTEST: WORC. Anthony J. Vigliotti, Register